

Message Text

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PAGE 01 NAIROB 09658 281437Z

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C O N F I D E N T I A L NAIROBI 9658

E.O.11652: GDS

TAGS: SHUM, PINT, KE

SUBJECT: ATTORNEY GENERAL NJONJO WARNS M.P.'S ABOUT RAISING
MATTER OF POLITICAL DETAINEES IN PARLIAMENT

REFS: (A) 77 NAIROBI 12144, (B) 77 NAIROBI A-114 (NOTAL)

1. DURING PARLIAMENTARY SESSION JUNE 27 ATTORNEY GENERAL
NJONJO WAS ASKED BY BACKBENCH M.P. WHETHER PUBLIC SECURITY ACT COULD BE

AMENDED TO PROVIDE THAT MEMBERS CONSIDERED SECURITY RISKS
BY GOVERNMENT BE REMOVED FROM SEATS IN PARLIAMENT RATHER
THAN INCARCERATED. NJONJO RESPONDED THAT THIS COULD NOT BE
DONE BECAUSE LAW (PUBLIC SECURITY ACT), HE SAID, MUST
COVER EQUITABLY ALL KENYANS, NOT ONLY M.P.'S, WHO POSE
SECURITY THREAT TO NATION. IN FOLLOW-UP QUESTION ANOTHER
BACKBENCHER ASSERTED THAT M.P.'S PREVIOUSLY DETAINED HAD
BEEN DETAINED BECAUSE OF WHAT THEY HAD SAID IN COURSE
OF PARLIAMENTARY DEBATES, AND NOT BECAUSE THEY POSED SECURITY
THREAT TO NATION. THIS WAS DENIED BY NJONJO WHO SAID THAT
THESE MEN (SERONEY, SHIKUKU, MWITHAGA AND ANYONA) HAD...HAD
SOME ULTERIOR MOTIVES TOWARDS THE GOOD RUNNING OF THIS
COUNTRY." AMIDST FOOT THUMPING AND APPLAUSE A THIRD
BACKBENCHER INSISTED THAT M.P.'S SHOULD BE TRIED IN A
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PAGE 02 NAIROB 09658 281437Z

COURT OF LAW BEFORE BEING DETAINED, AND TO DO OTHERWISE
STIFLED FREE DEBATE BY INTIMIDATING THE M.P.'S.
NJONJO THEN STATED THAT FUTURE QUESTIONS BY M.P.'S REGARDING
DETAINEES IN KENYA WOULD NOT BE ANSWERED BY GOVERNMENT
IN PARLIAMENT BECAUSE QUESTIONS THEMSELVES SEEMED TO HAVE
MOTIVATED SOME OVERSEAS ORGANIZATIONS AND NEWS MEDIA TO
CHALLENGE KENYA'S PUBLIC SECURITY ACT. HE ADDED THAT KENYA

IS SOVEREIGN STATE AND INTERNATIONAL BODIES LIKE AMNESTY INTERNATIONAL, WHOSE MEMBERS ARE OLD WOMEN, SHOULD REFRAIN FROM INTERFERING WITH OUR POLICIES ON DETENTION.

2. COMMENT: NJONJO'S VIEWS ON DETENTION AND ON CRITICISM OF GOVERNMENT'S DETENTION POLICY CAME AS NOTHING OF SURPRISE. HE HAS TAKEN HARD LINE POSITION ON EACH OCCASION WHEN MATTER HAS EMERGED PUBLICLY IN PAST YEAR (SEE REFS). SIMILARLY, REACTION FROM BACKBENCHERS WAS PREDICTABLE. ALL THOSE M.P.'S NOT INSIDERS QUITE REASONABLY REGARD PAST APPLICATION OF PUBLIC SECURITY ACT TO ABOVE NAMED M.P.'S AS DETERRENT TO MAKING MEANINGFUL CRITICISMS OF GOVERNMENT IN PUBLIC FORUM. ONE M.P. TOLD EMBOFF THAT MANY BACKBENCHERS WERE PLEASED JUNE 27 EXCHANGE HAD TAKEN PLACE. HE SAID HE IS ALWAYS ASKED IN HIS CONSTITUENCY (KISII) WHY HE DOES NOT SPEAK UP IN PARLIAMENT IN FAVOR OF DETAINED FELLOW TRIBESMAN ANYONA. NOW, HE SAID, ANSWER IS OBVIOUS.

3. EXCHANGES SUCH AS ONE BETWEEN NJONJO AND BACKBENCHERS IN PARLIAMENT JUNE 27 TAKE PLACE RARELY IN KENYA THESE DAYS. LONG TIME OBSERVERS CAN RECALL NO TIME THIS DECADE WHEN DISSENT HAS BEEN SO EFFECTIVELY CURTAILED. ARREST OF MAIN DISSENTERS OVER PAST FEW YEARS SEEMS TO HAVE EFFECTIVELY COWED THEIR COLLEAGUES AND TURNED PARLIAMENT AND ITS PROCEDURES INTO LITTLE CONFIDENTIAL

CONFIDENTIAL

PAGE 03 NAIROB 09658 281437Z

MORE THAN WINDOW DRESSING BEHIND WHICH A SMALL GROUP OF INSIDERS EFFECTIVELY AND ARBITRARILY RUN KENYA. LE MELLE

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